



12/23/96

PATENT  
DScope 3.0-005 CIP DIV II CONT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of :  
Janzen et al. :  
Serial No. 08/399,535 : Group Art Unit: 3309  
Filed: March 7, 1995 : Examiner: Gary Jackson  
For: DEVICE AND METHOD FOR : Date: December 16, 1996  
SEALING PUNCTURE WOUNDS X

Assistant Commissioner for Patents  
Washington, D.C. 20231  
Attn: BOX STATUS  
NO FEE

RECEIVED

JAN 09 1997


STATUS INQUIRY

Sir:

In a communication dated June 14, 1996, the Examiner advised that prosecution of the above-identified application had been suspended for a period of six months from that date due to a potential interference. No further communication has been received from the Patent and Trademark Office.

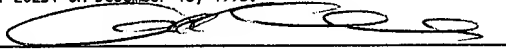
Kindly advise the undersigned of the present status of this application. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK  
ARNOLD H. KRUMHOLZ  
Reg. No. 25,429

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to Assistant Commissioner for Patents, Washington, D.C. 20231 on December 16, 1996.

  
(Signature)

Arnold H. Krumholz

Typed or Printed Name of Person Signing Certificate

## INTERFERENCE—INITIAL MEMORANDUM

**EXAMINERS INSTRUCTIONS**—This form need not be typewritten. Complete the items below and forward to the Group Clerk with all files including those benefit of which has been accorded. The parties need not be listed in any specific order. Use a separate form for each count.

**BOARD OF PATENT APPEALS AND INTERFERENCES:** An Interference is found to exist between the following cases:

This is count 1 of 1 count(s).

1. NAME	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	APPROVED
JANZEN	08/399,535	03/07/95		INITIAL

The claims of this party which correspond to this count are:

95, 96, 97, 98, 99, 100, 101, 102, (103), (104)

The claims of this party which do not correspond to this count are:

\*Accorded benefit of:  
COUNTRY

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

United States

08/318,380

05 OCT. 1994

United States

07/746,339

16 AUG. 1991

5,391,183

United States

07/634,478

27 DEC. 1990

2. NAME

Lee

SERIAL NO.

07/918,614

FILING DATE

27 MAR 92

PATENT NO., IF ANY

5,292,332

APPROVED

INITIAL

The claims of this party which correspond to this count are:

11, 12, 13, 16, 17, 18, 20, 38, (1), (37)

The claims of this party which do not correspond to this count are:

2-10, 15, 17, 19, 21-37 and 39-43

\*Accorded benefit of:  
COUNTRY

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

3. NAME

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

APPROVED

INITIAL

The claims of this party which correspond to this count are:

The claims of this party which do not correspond to this count are:

\*Accorded benefit of:  
COUNTRY

SERIAL NO.

FILING DATE

PATENT NO., IF ANY

If a claim of any party is exactly the same as this count, it should be circled above. If not, type the count in this space (attach additional sheets if necessary):

\* The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application if there are intervening applications necessary for continuity.

DATE	PRIMARY EXAMINER	TELEPHONE NO.	ART UNIT
June 12, 1996	GARY JACKSON PRIMARY EXAMINER GROUP 3300	(703) 308-4302	3309
Clerk's instructions: 1. Obtain a title report for all cases and include a copy 2. Forward all files including those benefit of which is being accorded.		GROUP DIRECTOR SIGNATURE (if required)	

## INTERFERENCE INITIAL MEMORANDUM

Count # 1 of 1BOARD OF PATENT APPEALS AND INTERFERENCES: An interference is found to exist between the following cases:  
This interference involves 2 parties

PARTY <u>JANZEN</u>	SERIAL NO. <u>08/399,535</u>	FILING DATE <u>03/07/95</u>	PATENT NO., IF ANY	ISSUE DATE, IF ANY
If application has been patented, have maintenance fees been paid? <u>Yes</u> <u>No</u> Maintenance fees not due yet				
*Accorded the benefit of:				
COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
<u>United States</u>	<u>08/318,380</u>	<u>05 Oct. 1994</u>	<u>Rb. 23, 98</u>	
<u>United States</u>	<u>07/746,339</u>	<u>16 Aug. 1991</u>	<u>5,391,183</u>	
<u>United States</u>	<u>07/634,478</u>	<u>27 Dec. 1990</u>		
The claim(s) of this party which correspond(s) to this count is(are):				
PATENTABLE CLAIMS <u>95, 96, 97, 98, 99, 100, 101, 102, 103, 104</u>		UNPATENTABLE CLAIMS		
The claim(s) of this party which does(not) correspond to this count is(are):				
PATENTABLE CLAIMS		UNPATENTABLE CLAIMS		
PARTY <u>Lee</u>	SERIAL NO. <u>07/918,614</u>	FILING DATE <u>27 Mar 92</u>	PATENT NO., IF ANY <u>5,292,332</u>	ISSUE DATE, IF ANY <u>08 March 1994</u>
If application has been patented, have maintenance fees been paid? <u>Yes</u> <u>No</u> Maintenance fees not due yet				
*Accorded the benefit of:				
COUNTRY	SERIAL NO.	FILING DATE	PATENT NO., IF ANY	ISSUE DATE, IF ANY
The claim(s) of this party which correspond(s) to this count is(are):				
PATENTABLE CLAIMS <u>11, 12, 13, 16, 17, 18, 20, 38, 14(37)</u>		UNPATENTABLE CLAIMS		
The claim(s) of this party which does(not) correspond to this count is(are):				
PATENTABLE CLAIMS <u>2-10, 14, 15, 19, 21-36 and 39-43</u>		UNPATENTABLE CLAIMS		

## Instructions

- For every patent involved in the interference, check if the fees have been paid by contacting the MAINTENANCE FEE DEPARTMENT at 308-5069. If fees are due and they have not been paid, the interference cannot be declared since it would involve an expired patent (35 USC 135(a); 37 CFR 1.606).
- For each party, separately identify the patentable and unpatentable claims which correspond to the count (37 CFR 1.601 (f), 1.601 (n), 1.609(b)(2)).
- For each party, separately identify the patentable and unpatentable claims which do not correspond to the count (37 CFR 1.609(b)(3)).
- Forward all files including those the benefit of which is being accorded.
- Keep a copy of the Interference Initial Memorandum and any attachments for your records.  
All information requested below must be attached on (a) separate sheet(s) and type-written.
- On a separate sheet, set forth a single proposed interference count. If any claim of any party is exactly the same word for word as this count, please indicate the party, application or patent number, and the claim number.
- For each claim designated as corresponding to the count, provide an explanation of why each claim defines the same patentable invention (37 CFR 1.609(b)(2)).
- For each claim designated as not corresponding to the count, provide an explanation of why each claim defines a separate patentable invention (37 CFR 1.609(b)(3)).
- For each additional count, if any, repeat steps 2-6 and, additionally, provide an explanation why each count represents a separate patentable invention from every other count (37 CFR 1.609(b)(1)).

DATE <u>9 Sept. 1997</u>	PRIMARY EXAMINER (Signature) <u>Dany Jackson</u>	TELEPHONE NO. <u>(703) 308-4302</u>	PART UNIT <u>3309</u>
DATE	GROUP DIRECTOR SIGNATURE (if required)		

The serial number and filing date of each application the benefit of which is intended to be accorded must be listed. It is not sufficient to merely list the earliest application if there are intervening applications necessary for continuity.

THIS PAGE CAN BE DUPLICATED IF THERE ARE MORE THAN TWO INTERFERING PARTIES.

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GROUP 3300